UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,934	04/02/1999	RANDY UBILLOS	004860.P2292	4312

7590 02/23/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 4, 2003* _____ .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-39* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-24, 29, and 31-39* _____ is/are rejected.

7) ☒ Claim(s) *25-28 and 30* _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-24, 29 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Valdez Valdez, Jr. (US Patent No. 6,426,778) in view of Dwyer et al. (US Patent No.

5,706,457).

Regarding claim 1, Valdez, Jr. discloses displaying an edited time based stream of

information of a source media (see Abstract); and transferring said edited time based stream to a

sequential storage device using an icon (see col. 6, lines 5-40 and col. 7, lines 9-67); however,

Valdez fails to explicitly teach wherein said icon represents a function to be performed on said

sequential storage device.

Dwyer teaches wherein said icon represents a function to be performed on said sequential

storage device (see abstract and col. 4, lines 50-67). It would have been obvious to one of an

ordinary skill in the art at the time the invention was made to provide icon represents a function

to be performed on said sequential storage device as taught by Dwyer to the editing system of

Valdez in order to allow images to be accessed randomly, and video can be easily manipulate

into any desired sequence where is in media clip video editing system.

Regarding claim 2, Valdez, Jr. discloses editing between said source media and a

destination media using a three point edit (see col. 7-8, lines 1-67).

Regarding claim 3, Dwyer discloses wherein transferring said edited time based stream

comprises transferring said edited time based stream to a portion of a window, said window

having at least one icon; said icon performing a function on said sequential device by default

(see col. 5, lines 3-57).

Regarding claim 4, Dwyer discloses wherein transferring said edited time based stream

comprises transferring said edited time based stream to said icon, said icon performing said

function on said sequential device (see col. 6, lines 21-67).

Regarding claim 5, Valdez, Jr. a discloses wherein transferring said edited time based

stream comprises clicking said icon with a cursor control device, said icon performing said

function on said sequential device (see col. 19, lines 30-67)

Regarding claim 6, Valdez, Jr. discloses wherein said function is one of an insert edit, an

assembly edit and a preview edit (see col. 20, lines 1-64).

Regarding claim 7, Valdez, Jr. discloses black and coding a tape contained in said

sequential device (see figures 3A-4).

Regarding claims 8 and 9, Valdez, Jr. discloses using a timecode indicator to position a

playhead of said sequential storage device; and using one of a mark in icon and a mark out icon

to position a playhead of said sequential storage device (see col. 21, lines 1-67).

As per claims 10-23 are apparatus claims that corresponds to a method claims 1-9, and

thus are rejected for the aforementioned reason.

Regarding claim 24, Dwyer discloses computing device including a first circuitry

configured to transfer said edited time based stream to said sequential storage device using said

icon (see col. 7, lines 24-54).

Regarding claim 25, Valdez, Jr. a discloses a second circuitry configured to perform a

three point editing between said source media and a destination media (see figures 4-8).

Regarding claim 29, Valdez discloses a tape having black and code format (see figures 2-

4).

As per claims 31-39 are method claims that corresponds to apparatus claims 1-9 and 24-

25 , and thus are rejected for the aforementioned reason.

Response to Arguments

3.   Applicant's arguments filed on October 10, 1997 have been fully considered but they are

not persuasive.

On page 9, of the remark; Applicant argues that Valdez and Dwyer do not teach or

suggest " edited time based stream to a sequential storage device using an icon". However, the

limitations as claimed set forth to read on "In such a graphical user interface, an icon or other

similar symbol may represent a given amount of information or object which may be video data,

textual data or audio data or a particular file or instruction. This icon representation may be

moved about on the screen by a user and interconnected or linked with other icons to form a

multimedia story. Thus, without having to actually manipulate sound or video materials, the

graphical user interface provides a representation of each of those pieces of information which

may be manipulated by the user in a fashion he or she desires on the screen, using a mouse or

another cursor pointing device. Once the user has linked the various materials or objects in the

desired format, the information may be retrieved in the order established by the user or, in the

case of a multimedia presentation, the multimedia presentation's "story" can be "played." This

graphical user interface has the advantage that even an unsophisticated user may author

somewhat complex presentations without knowing much about computers by simply taking a

icon symbol or other representation of a particular type and given amount of data and

manipulating that image on the user's computer screen. The underlying program possesses the

intelligence to react to the movement of the representation or symbol on the user's computer

screen and manipulate the underlying data which the symbol represents on the user's computer

screen. The data structure underlying the operation of the present invention may be a series of

conventional data structure links well known to those skilled in the art which link various

pieces of multimedia material. Thus, from the user's point of view, the movement and interaction

of data may be accomplished simply by connecting and interacting icons on the user's screen.

The media editing system 309 provides for the capture of a certain amount and type of data as

designed by the user or another, such as a video clip or music, and the association of that

particular data set with a particular icon representation or symbol. Media editing system 309 may

include a number of graphical components for composing the structure of a story. One is called a

timeline. In a timeline, icons representing the story's contents are scaled to depict the length of

the presentation of the material for that icon and are placed in proximity to other icons to show

timing, synchronization and composition." see Valdez col. 17, lines 33-64.

In response to applicant's argument on page 10 that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, Valdez, Jr. discloses displaying an edited time based stream of information of

a source media used in combination of Dwyer's icon represents a function to be performed on

said sequential storage device. One skill in the art that would have been obvious to provide icon

represents a function to be performed on said sequential storage device as taught by Dwyer to the

editing system of Valdez in order to allow images to be accessed randomly, and video can be

easily manipulate into any desired sequence where is in media clip video editing system.

On page 11, of the remark; Applicant argues that claims 6 and 36 do not teach or suggest

by Valdez and Dwyer . However , the limitations as claimed set forth to read on "A timeline,

once completed or partially completed, may be played using the media editing system 309. The

position of the icons along the timeline determine the sequence by which the presentation is

played back to the viewer. An example of a timeline is shown in FIG. 6C. Modifying a

conventional media editing system 309 editing system to handle interactive elements offers many

advantages. FIG. 6B shows a media composer 309 display view showing a media editing system

"bin" that lists available interactive elements that may be included in a composition. The ability

to import Interactive Programming elements such as HTML and other file types into standard

media editing system bins allows the editing system to operate on them in much the same way as

other media elements (organizationally, etc.). To perform the import, a user may select the bin

and choose an "import" command from the appropriate menu. The file type of Interactive

Programming is chosen and the dialog box displays all applicable element files. The user then

may select one or more files and select an appropriate button to perform the import of the

interactive element files. The editing system 309 then may list the interactive elements along

with the files that contain them. When an Interactive Programming element is imported into a

media editing system bin, the element file is scanned to see what other element files, if any, are

referenced by it (for example, if there are image files referenced by the main HTML file). These

element files may be automatically imported together with the main file. When the user specifies

that a particular HTML file is to be used in the sequence, these files may be included implicitly

as well. Just as with other media elements in the bin, the user can select an Interactive

Programming element to obtain information about it through the media editing system 309

interface. This information may include the location

of the original file. If the user edits the original file, he or she may re-import the file in order to

update the copy within the media editing system bin." see Valdez col. 18, lines 25-64.

On page 12, of the remark; Applicant argues that claims 8 and 38 "using time code

indicator.." do not teach or suggest by Valdez and Dwyer . However , the limitations as claimed

set forth to read on Valdez "Information stored as part of each component to be described in

more detail below includes: 1) Track Type 2) Player Function Code 3) Edit Rate 4) Parent 5)

Subcomponent Identifier 6) Edit Nesting Level 7) Precompute 8) Name 9) Attribute List

(43) Track type (1) provides an indication of the type of material, or media data, represented by

the component, such as video, audio, etc. Player function code (2) indicates an algorithm for

displaying material represented by the component. A component may also include edit rate (3)

that is a representation of time units used for determining the duration of the component. The

edit rate differs from the actual sample durations stored in the media data, and may be thought of

as a "virtual" sample rate. An edit rate is a number of edit units per second and is not limited to

being an integer. For example, the edit rate could be a floating point decimal. The edit rate thus

defines duration of virtual samples within a component, and determines the smallest editable unit

of media. For example, a frame-based 30 frame per second NTSC video editing system may use

an edit unit of 29.97 for its video components. An audio editing system for editing audio

associated with the video may use the same edit rate of 29.97. Thus, media data may be

substituted at a later time with media digitized at a different sample rate, and the composition

may still be valid because enough information is maintained to perform a sample rate

conversion. Sample rate conversion capabilities are well-known in the art." see col. 12, lines 10-

55.

On page 12, of the remark; Applicant argues that claims 9 and 39 "using time code

indicator , mark in icon or mark out icon." do not teach or suggest by Valdez and Dwyer..

However , the limitations as claimed set forth to read on Valdez "the user positions the cursor

over one shot and marks the clip. This marks the entire range (duration) of the shot and creates a

new timeline track. At step 709, the user invokes the interactive Programming track. This track

is used to facilitate the encoding of embedded information for Interactive Programming of

interactive elements. At step 711, the user creates an Interactive Elements bin and imports the

Interactive Programming elements that will be used within the composition. At step 713, the

user patches the Interactive Programming characteristic (track) of the source element to the

Interactive Programming, track in a well-known manner. The user may continue to mark clips

further in the timeline, call up new interactive elements, and overwrite them into position. The

user may open the Interactive Programming, Parameters dialog box to adjust bandwidth, lead-

time, and dependencies for the transmission of the interactive elements. As discussed above, the

Interactive Programming parameters will encode and transmit the interactive elements in real

time through the VBI the information that has just been added to the sequence via the Interactive

Programming track in the timeline. The user may play back the composition and watches the

encoded results on a viewer such as a WebTV-based viewer. The user may further add

interactive elements to the composition and review the composition in a recursive manner. It

should be understood that many other editing sequences are possible, and that this is merely one

example of an editing process.." see col. 21, lines 14-52.

Accordingly, the claimed invention as represented in the claims do not represent a

patentable distinction over the art of record..

Allowable Subject Matter

4.   Claims 25-28 and 30 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. (PTO-892).

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

6.   Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for

formal communications or (703) 305-9724 for informal or draft communications.

        Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For

after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the

document.

        Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA. Sixth Floor (Receptionist).

Inquires

7.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The

examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group

is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
February 20, 2004